

[Company fined and its director sentenced to community service order for contravening Employment Ordinance](#)

Happy Valley Football Club Limited and its director were prosecuted by the Labour Department (LD) for violation of the requirements under the Employment Ordinance (EO). The company and its director pleaded guilty earlier and were sentenced at the Kwun Tong Magistrates' Courts today (December 5) to a fine of \$147,000 and a community service order of 240 hours respectively.

The company failed to pay an employee, in accordance with the EO, wages totalling around \$150,000 within seven days after the expiry of the wage periods. The company also failed to pay to nine employees the awarded sums of about \$1.2 million within 14 days after the date set by the Labour Tribunal (LT). The director concerned was prosecuted and convicted for his consent, connivance or neglect in the above offences committed by the company.

"The ruling will disseminate a strong message to all employers, directors and responsible officers of companies that they have to pay wages to employees within the statutory time limit stipulated in the EO, as well as the sums awarded by the LT or the Minor Employment Claims Adjudication Board," a spokesman for the LD said.

"The LD will not tolerate these offences and will spare no effort in enforcing the law and safeguarding employees' statutory rights," the spokesman added.

[Speech by Acting SJ at AALCO Annual Arbitration Forum 2023 \(English only\) \(with photo\)](#)

Following is the speech by the Acting Secretary for Justice, Mr Cheung Kwok-kwan, at the AALCO Annual Arbitration Forum 2023 today (December 5):

His Excellency Dr Kamalinne Pinitpuvadol (Secretary-General of the Asian-African Legal Consultative Organization (AALCO)), Mr Nick Chan (Director of AALCO Hong Kong Regional Arbitration Centre), Deputy Commissioner Fang Jianming (Deputy Commissioner of the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong

Kong Special Administrative Region), distinguished guests, ladies and gentlemen,

Good morning. On behalf of the Department of Justice of the Government of the Hong Kong Special Administrative Region, I would like to express our warmest welcome to all of our eminent speakers and participants attending in-person and online from all over the world.

I also extend my congratulations to the organiser, AALCO Hong Kong Regional Arbitration Centre (AALCO Hong Kong), as well as all the 53 supporting organisations and sponsors for this first AALCO arbitration forum held in Hong Kong. With that many supporting organisations, it shows how popular AALCO is in Hong Kong, and how the local community warmly welcomes the AALCO family with open arms.

AALCO Hong Kong is the latest addition to the other five AALCO regional arbitration centres, integrating itself in the AALCO dispute settlement system and performing a variety of tasks, including providing facilities for alternative dispute resolution (ADR) services, assisting in the enforcement of arbitral awards, and promoting the growth and effective functioning of arbitration and other dispute resolution services, including online dispute resolution services, or ODR.

AALCO Hong Kong forges a perfect synergy with Hong Kong as a leading centre for international legal and dispute resolution services in the Asia-Pacific region. Today, I wish to underscore two key aspects which contribute to Hong Kong's unique position as an international legal hub, namely our robust legal and technological infrastructure.

Legal infrastructure

Hong Kong's judicial system is open, independent, and enjoys a renowned international reputation. It is also uniquely the only common law jurisdiction in China. Our statutes are available in both English and Chinese, making them easily accessible to international investors, lawyers, and people around the world, and our civil and commercial laws align with international standards and practices. All these qualities promote the efficient resolution of cross-border disputes, installing confidence among businesses and investors in Asian-African regions and along the routes of the Belt and Road Initiative (BRI).

Our legal framework, which is constantly being enhanced, strongly supports arbitration and mediation. For example, if you wish to institute arbitral proceedings against a party who is situated in or with assets located in the Mainland of China, Hong Kong has signed nine arrangements on mutual legal assistance in civil and commercial matters with the Mainland of China, three of which are related to arbitration.

One of these arrangements is the Interim Measures Arrangement (Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region). Hong Kong is the first and only common

law jurisdiction outside the Mainland of China where, as a seat of arbitration, parties to arbitral proceedings administered by designated arbitral institutions would be able to apply to the Mainland Chinese courts for interim measures including the preservation of assets, evidence and conduct. As at October this year, the total value of assets preserved by 71 decisions issued by the Mainland courts amounted to approximately US\$2.2 billion. AALCO Hong Kong is the only qualified arbitral institution under the Interim Measures Arrangement which is established under international law with international organisation status, providing parties with truly "nationality neutral" institutional arbitration services.

The Ordinance, which is known as the Arbitration and Legal Practitioners Legislation (Outcome Related Fee Structures for Arbitration) (Amendment) Ordinance, has also already come into effect, which permits lawyers and clients to have an additional option to enter into outcome-related fee structure agreements for arbitration. The new regime allows a broad range of fee options, including conditional fee agreements, damages-based agreements and hybrid damages-based agreements. The introduction of such new regime enables Hong Kong to keep up with the latest offerings in international arbitration. Along with the third party funding regime for arbitration, Hong Kong now provides multiple funding options which enable flexible fee arrangements in arbitrations.

Moreover, Hong Kong is home to an abundant pool of legal professionals with extensive experience handling complex legal disputes and international transactions. Their worldwide exposure cultivates a rich ground for people-to-people exchange. The Department of Justice, for instance, co-organised the 6th training session of the China-AALCO exchange programme on international law in Hong Kong this summer, and AALCO Hong Kong conducted part of the training. These initiatives not only develop legal talent for international law practice, but also strengthen ties and connections among the various 47 AALCO member states.

Technological infrastructure

The growing e-commerce sector and the widespread use of technology in business transactions have created a desire for legal services that are not limited by linguistic, geographical, or cultural barriers. With the great diversity seen along the BRI routes, this is especially relevant when it comes to deal-making and dispute resolution across the continents of Asia and Africa.

The legal community in Hong Kong is quick to learn and incorporate artificial intelligence (AI) to improve access to justice and reduce cost of doing business and dispute resolution. Various international and regional organisations, including APEC (Asia-Pacific Economic Cooperation), are taking active steps to promote the use of ODR.

ODR is a process that utilises technologies in a full spectrum of ADR services. As recognised by the United Nations, ODR "can assist parties in resolving the dispute in a simple, fast, flexible and secure manner, without the need for physical presence at a meeting or hearing". To capitalise on the

opportunities brought about by international and regional developments, the Department of Justice supports and promotes the development of ODR in Hong Kong. In recent years, in addition to ODR operated by traditional ADR institutions, a dedicated online platform has been established in Hong Kong, being the Electronic Business Related Arbitration and Mediation (eBRAM) platform, which provides an efficient, cost-effective and secure platform for online deal-making and resolving disputes among parties in any part of the world by integrating state-of-the-art technology. We take pride in the fact that eBRAM International Online Dispute Resolution Centre, as a home-grown lawtech centre, is the first and only ODR provider from Hong Kong listed under the APEC Collaborative Framework for ODR of Cross-Border Business-to-Business Disputes since May 2022.

eBRAM has laid a solid foundation for Hong Kong's research and development in the areas of lawtech. We are pleased that AALCO Hong Kong has successfully launched their ODR platform, adopting a number of advanced lawtech with the assistance of eBRAM. Through the use of ODR and lawtech, AALCO Hong Kong would be able to reduce error in repeated form fillings, and to assist with using AI, in particular deep learning, to come up with legal domain specific language sets. This will enable accurate translations for multiple languages commonly used in the more than a hundred countries.

Hong Kong as a Special Administrative Region has many unique advantages and opportunities to offer to help the ethical growth and deployment as a helpful tool to do good, not do harm.

Conclusion

Ladies and gentlemen, we are confident that with the support of our Central People's Government and under the principle of "one country, two systems", Hong Kong's co-operation with international intergovernmental organisations like AALCO, and international connections among the BRI routes will continue to flourish. Fully embracing the Bandung Spirit, and with the aid of technology including lawtech and ODR, Hong Kong will continue to play a leading role as a centre for international legal and dispute resolution services in the Asia-Pacific region for many years to come.

On this note, I wish this AALCO Annual Arbitration Forum 2023 every success. For our overseas guests who joined us in person, I wish you an enjoyable stay in Hong Kong.

And to those of you who are from Hong Kong, District Council Election will be held on December 10. I appeal to all of you to vote, together with your families and friends, on the polling day in the hope of electing District Council members with talent, aspiration and commitment to build a better community for Hong Kong. Thank you very much.



Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Tuesday, December 5, 2023 is 104.4 (up 0.2 against yesterday's index).

Hospital Authority vigorously pursues liabilities of contractor in surgical light falling incident

The following is issued on behalf of the Hospital Authority:

The Hospital Authority (HA) today (December 5) announced that disciplinary actions have been taken to vigorously pursue liabilities of the maintenance contractor in the United Christian Hospital surgical light falling incident. The HA confirmed that the contractor concerned had performed below the standard of the contract requirement, leading to the occurrence of the incident which imposed a serious impact on hospital safety. The HA will continue excluding the contractor concerned from participation of future tendering and quotation exercises for all ceiling-mount medical equipment for a period of time until the HA is satisfied with the improved performance of the contractor concerned.

The following actions have been endorsed by the HA Board with immediate effect:

1. The contractor concerned has to make an open apology to the HA;
2. The contractor concerned has to settle compensation to the HA for all

losses and expenses incurred from the incident; and

3. The HA has excluded the contractor concerned from participation in future tendering and quotation exercises for all ceiling-mount medical equipment since this September. The HA will continue to implement the measure for one year, until September 2024. The HA will consider lifting the suspension from tendering only after the contractor's service performance and quality are reviewed and has proved capable to meet the requirements.

The HA spokesperson said, "The HA is highly concerned about the incident. Considering the severity of the surgical light falling incident and the performance of the contractor concerned, the HA decided to take a series of disciplinary actions to vigorously pursue the liabilities of the contractor concerned. These disciplinary actions are taken based on reasonable, rigorous and prudent considerations. This also serves as an unequivocal message that the HA has zero tolerance for any substandard service quality level, and that the action of suspension from tendering will be confined to future tender exercises."

The HA will enhance the existing tendering and quotation exercises by introducing a new marking scheme to strengthen the HA's governance over contractors' performance and to ensure the quality of tendering and quotation exercises. The HA will take into consideration any poor past performance of the bidders during the assessment of the procurement exercise.

The HA spokesperson supplemented that the HA has immediately taken a series of measures after the incident. The HA has requested contractors to conduct a comprehensive inspection and replace mounting screws for all surgical lights of the same model in public hospitals to ensure safety. The HA has also invited the Electrical and Mechanical Services Department and engaged an independent engineering expert to conduct an investigation to find out the root cause of the incident. The HA has also enhanced the maintenance of all ceiling-mount medical equipment immediately, including explicitly specifying the obligations and requirements of contractors in tender specifications, tightening the interval of safety checks and replacement of safety parts, and requiring the contractor to strictly follow the safety check and maintenance procedures.

The HA is duly following up on the advice from the Review Committee on Medical Equipment and Facility Maintenance to enhance governance towards contractors. Biomedical engineering staff will be deployed to carry out on-site supervision of high-risk category medical equipment maintenance services provided by contractors. All public hospitals have formed Hospital Safety Committees to conduct regular safety audits and inspections of hospital facilities and equipment, and assess potential safety hazards in order to take preventive measures. An HA Safety Committee was also formed at the HA Head Office to develop corporate-wide policies and procedures on the safety and risk management of hospital facilities and equipment.

The HA will continue to strengthen governance, enhance performance of medical equipment contractors and take proactive measures to ensure safety of patients and staff members.

Exchange Fund Bills tender results

The following is issued on behalf of the Hong Kong Monetary Authority:

Exchange Fund Bills tender results:

Tender date	: December 5, 2023
Paper on offer	: EF Bills
Issue number	: Q2349
Issue date	: December 6, 2023
Maturity date	: March 6, 2024
Amount applied	: HK\$186,300 MN
Amount allotted	: HK\$59,150 MN
Average yield accepted	: 4.82 PCT
Highest yield accepted	: 4.86 PCT
Pro rata ratio*	: About 9 PCT
Average tender yield	: 4.93 PCT

Tender date	: December 5, 2023
Paper on offer	: EF Bills
Issue number	: H2378
Issue date	: December 6, 2023
Maturity date	: June 5, 2024
Amount applied	: HK\$74,450 MN
Amount allotted	: HK\$13,000 MN
Average yield accepted	: 4.61 PCT
Highest yield accepted	: 4.61 PCT
Pro rata ratio*	: About 83 PCT
Average tender yield	: 4.71 PCT

*"Pro rata ratio" refers to the average percentage of allotment with respect to each tender participant's tendered amount at the "highest yield accepted" level.

Hong Kong Monetary Authority tenders to be held in the week beginning December 11, 2023:

Tender date	: December 12, 2023
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Paper on offer : EF Bills
Issue number : Q2350
Issue date : December 13, 2023
Maturity date : March 13, 2024
Tenor : 91 Days
Amount on offer : HK\$59,543 MN

Tender date : December 12, 2023
Paper on offer : EF Bills
Issue number : H2379
Issue date : December 13, 2023
Maturity date : June 12, 2024
Tenor : 182 Days
Amount on offer : HK\$14,000 MN